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April 22, 2004

**VIA HAND DELIVERY**

Ms. Deborah Taylor Tate, Chairman  
TENNESSEE REGULATORY AUTHORITY  
460 James Robertson Parkway  
Nashville, Tennessee 37243

**Re: *Petition of Nashville Gas Company, A Division of Piedmont Natural Gas Company, Inc., for Approval of Negotiated Franchise Agreement With The Metropolitan Government of The City of Nashville and Davidson County, Tennessee Pursuant to TCA § 65-4-107, Docket No. 04-00097.***

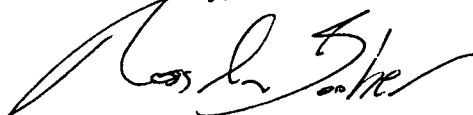
Dear Chairman Tate:

Enclosed please find the original and thirteen (13) copies of the Motion of Nashville Gas Company for Approval of Negotiated Franchise Agreement or, in the Alternative, for Interim Authorization to Act in Conformance Therewith to be filed on behalf of our client, Nashville Gas Company, a division of Piedmont Natural Gas Company, Inc.

Should you have any questions concerning this filing, please do not hesitate to contact me.

Thank you for your assistance with this matter.

Sincerely,



Ross I. Booher

RIB/tn  
Enclosures

cc: J. Richard Collier, Esq. (Via Hand Delivery)  
Karl F. Dean (Via Hand Delivery)

**BEFORE THE TENNESSEE REGULATORY AUTHORITY  
NASHVILLE, TENNESSEE**

IN RE:	)	
	)	
PETITION OF NASHVILLE GAS COMPANY,	)	
A DIVISION OF PIEDMONT NATURAL	)	
GAS COMPANY, INC. FOR APPROVAL	)	Docket No. 04-00097
OF NEGOTIATED FRANCHISE AGREEMENT	)	
WITH THE METROPOLITAN GOVERNMENT	)	
OF THE CITY OF NASHVILLE AND	)	
DAVIDSON COUNTY, TENNESSEE	)	
PURSUANT TO TCA § 65-4-107	)	

**MOTION OF NASHVILLE GAS COMPANY FOR APPROVAL OF NEGOTIATED  
FRANCHISE AGREEMENT OR, IN THE ALTERNATIVE, FOR INTERIM  
AUTHORIZATION TO ACT IN CONFORMANCE THEREWITH**

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Nashville Gas Company, a Division of Piedmont Gas Company, Inc. ("Nashville Gas" or the "Company"), through counsel and pursuant to Tennessee Code Annotated § 65-4-107, hereby requests approval by the Tennessee Regulatory Authority ("Authority") of the negotiated franchise agreement between Nashville Gas and the Metropolitan Government of the City of Nashville and Davidson County, Tennessee ("Franchise") filed in this proceeding on March 30, 2004 at the hearing set in this Docket for April 29, 2004. In the alternative, Nashville Gas requests that the Authority grant it authorization at that hearing to act in conformance with that Franchise pending final Authority action on the Company's Petition in this docket. In support of this motion, Nashville Gas respectfully shows unto the Authority as follows:

1. Nashville Gas filed its Petition in this proceeding on March 30, 2004 seeking Authority approval, pursuant to T.C.A. § 65-4-107, of a new negotiated franchise agreement between the Company and the Metropolitan Government of the City of

Nashville and Davidson County ("Metropolitan Government"). Along with its Petition, and in support thereof, Nashville Gas filed the prefiled direct testimony of its Senior Vice President and General Counsel, Kim R. Cocklin.

2. As is set forth in the Company's Petition and supporting testimony, this Franchise has been approved by the Council of the Metropolitan Government, signed by the Mayor of Nashville, accepted by Nashville Gas, and approved by a two-third's majority vote of the electorate of Nashville and Davidson County voting in the February 10, 2004 presidential primary.

3. Under T.C.A. § 65-4-107, the new franchise between Nashville Gas and the Metropolitan Government is not valid until approved by the Commission.

4. In its Petition, Nashville Gas requested Authority approval of the new Franchise on or before May 2, 2004, the date upon which the existing franchise arrangement between Nashville Gas and the Metropolitan Government expires, in order to avoid any lapse in franchise authority for the provision of natural gas services to Nashville and greater Davidson County.

5. On April 15, 2004, the Authority issued a notice in this proceeding inviting any persons interested in participating in this docket to file a Petition to Intervene no later than 2:00 p.m. on Monday, April 19, 2004.

6. On April 21, 2004, the Authority noticed this matter for hearing on April 29, 2004.

7. To date, no Petitions to Intervene have been filed in this docket.

8. As of this date, there do not appear to be any adverse parties to this proceeding or, to the best of Nashville Gas' knowledge, any identified controverted issues.

9. Based upon the foregoing, Nashville Gas submits that it is fully appropriate and within its powers for the Authority to consider and approve the new Franchise between the Company and the Metropolitan Government at the hearing of this matter scheduled for April 29, 2004 and the Company requests that the Authority take such action.

10. In the event that a controverted issue regarding the new Franchise arises between now and April 29, 2004, or in the event the Authority determines that additional evidence not available in the record or presented at the hearing is needed before it can rule on the Company's Petition, then Nashville Gas respectfully requests that the Authority authorize the Company to act in conformance with the new Franchise on an interim basis pending final resolution of this docket.

11. While Nashville Gas intends to continue providing service, it submits that the relief sought herein is procedurally proper and necessary to avoid any lapse in franchise authority to continue the provision of natural gas service to Nashville and Davidson County.

WHEREFORE, Nashville Gas Company, a division of Piedmont Natural Gas Company, Inc., respectfully requests that the Authority approve the negotiated franchise agreement incorporated into Ordinance BL2003-36 at the hearing in this matter scheduled for April 29, 2004 or, in the alternative, grant Nashville Gas authorization to


act in conformance with that agreement, on an interim basis, pending final resolution of this Docket by the Authority.

Respectfully submitted this 22d day of April, 2004.

Nashville Gas Company, a Division  
of Piedmont Natural Gas Company,  
Inc.

By: 

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By:  (by RB)

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### **CERTIFICATE OF SERVICE**

I hereby certify that a true and exact copy of the foregoing has been served on the following person(s), via the method(s) indicated, on this the 22<sup>nd</sup> day of April, 2004:

[ ☒ ] Hand J. Richard Collier, Esq.  
[ ] Mail General Counsel  
[ ] Facsimile Tennessee Regulatory Authority  
[ ] Electronic 460 James Robertson Parkway  
Nashville, TN 37243

[ ☒ ] Hand Karl F. Dean, Esq.  
[ ] Mail Metropolitan Department of Law  
[ ] Facsimile 225 Polk Avenue, Suite 210  
[ ] Electronic Nashville, TN 37203